

IN THE MATTER BETWEEN:

GURMEJ SINGH KHATTRA, SUHKWANT SINGH, ATAMA SINGH,  
RAJINDER SINGH, MOHINDER MALHOTRA, GURNAM BASSI and  
TARLOK SARAI (Complainants)

and

WENTWORTH TAXI CO. LTD. and HAMILTON YELLOW CAB CO. LTD.  
(hereinafter referred to collectively as "Yellow Cab"), ALBERT  
DiCASA, JOAN DiCASA and JACK LYNCH (Respondents)

and

ONTARIO HUMAN RIGHTS COMMISSION

ORDER

Several days of hearings were held in connection with the above-named matters. Those hearings were designed to resolve complex preliminary questions going to, among other questions: \_\_\_\_\_

1. Designation of parties;
2. Definition of issues;
3. Production of documents, and the use to which they would be put.

Before hearing on the substantive questions, the parties requested a number of recesses for the purpose of discussing the possibilities relating to settlement of the outstanding issues. I gave my consent to such recesses on the following clear understandings:

1. The recesses granted would be of short duration. There is a public policy goal in the speedy resolution of human rights



complaints.

2. Any settlement offered would be subject to independent review by this Board of Inquiry. While it obviously is important to have all of those directly affected by the Complaints agree to any settlement, those agreements, alone, are not enough.

The Board of Inquiry, once appointed by the Minister, has a statutory responsibility to ensure that the settlement is in harmony with the Complaints and with the central purposes of the Human Rights Code.

3. I was willing to facilitate settlement discussions so long as my role would not in any way jeopardize my impartial status as a Board of Inquiry.
4. Any settlement would have to be made a matter of public record.

In the result, after enormous effort, and in the exercise of good faith by all of the parties, a settlement was reached which was presented to the Board of Inquiry in a public proceeding. The settlement was read into the record. The parties were called upon individually and asked to affirm whether they understood and agreed to the terms of settlement. All of the parties signified their understanding and agreement to the terms of settlement.

In regard to the settlement, and with the consent of all the parties, it was further agreed that:

1. Hamilton Yellow Cab Ltd. be designated as a party since it is the successor in business to Wentworth Taxi Co. Ltd.
2. The Board of Inquiry remain seized of jurisdiction in terms of any question going to the implementation of the settlement.

Having studied and read the settlement, it is my view as a Board of Inquiry that it does indeed respond to the major allegations of the complaint. Moreover, the settlement is one which vindicates values central to the Human Rights Code.

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I am writing to you to tell you that I am well and hope you are the same. I have been thinking of you a great deal lately and wondering how you are getting on. I hope you are happy and healthy.

The time is passing so fast and I am getting older. I hope you are doing well and that you are happy. I have been thinking of you a great deal lately and wondering how you are getting on.

I am writing to you to tell you that I am well and hope you are the same. I have been thinking of you a great deal lately and wondering how you are getting on.

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The settlement is written in clear and understandable language. It not only strikes at the kind of discrimination set out in the complaint, but it mandates an affirmative, constructive programme to ensure employment practices based on one's merits. I refer specifically to the appendices attached and made a part of this Order.

In the result, I approve of the settlement. I do so, however, and this point must be emphasized, based on an independent appraisal of that settlement in the context of the criteria set out above.

Accordingly, the settlement entered by the parties is made an Order of this Board of Inquiry. Subject to the terms of that settlement, and this Order, this proceeding under the Human Rights Code is terminated.

It is so ordered.

Dated this 5<sup>th</sup> day of June, 1986 at Toronto, Ontario.

A handwritten signature in dark ink, consisting of stylized, cursive letters, positioned above a horizontal line.

Dr. D.J. Baum  
Board of Inquiry

The following is a list of the names of the persons who have been appointed to the various committees of the Board of Directors of the City of New York, for the year 1911.

Committee on the Administration of the City of New York

Committee on the Finance of the City of New York

Committee on the Public Works of the City of New York

Committee on the Police of the City of New York

Committee on the Fire Department of the City of New York

Committee on the Health of the City of New York

Committee on the Education of the City of New York

Committee on the Parks of the City of New York

THIS AGREEMENT made the 22nd day of May, 1986.

B E T W E E N:

GURMEJ SINGH KHATTRA, SUHKWANT SINGH,  
ATAMA SINGH, RAJINDER SINGH, MOHINDER  
MALHOTRA, GURNAM BASSI and TARLOK SARAI

(Hereinafter referred to as the "Complainants")

- and -

WENTWORTH TAXI CO. LTD. and HAMILTON  
YELLOW CAB CO. LTD. (hereinafter  
referred to collectively as "Yellow Cab"),  
ALBERT DiCASA, JOAN DiCASA and JACK LYNCH

(Hereinafter referred to as the "Respondents")

- and -

ONTARIO HUMAN RIGHTS COMMISSION

(Hereinafter referred to as the "O.H.R.C.")

#### MINUTES OF SETTLEMENT

As a result of complaints before the O.H.R.C.,  
a settlement between the parties has been reached.

The settlement has been approved by the O.H.R.C.

The settlement consists of an exchange of  
undertakings and commitments, the basic terms of which  
are as follows:

1. A monetary payment shall be made by the  
Respondents to the Complainants.





2. While some of the Complainants have worked for various Yellow Cab owners since the complaints were filed, the Respondents have undertaken to use their best efforts to secure employment in the Yellow Cab system for any Complainants not presently in the Yellow Cab system, and Yellow Cab has agreed to remove from its "not recommended driver list" the name of any Complainant still appearing thereon.

3. Owners, operators and lessees in the Yellow Cab system shall be encouraged to recruit and hire qualified taxi drivers without regard to race, colour, ancestry, place of origin, ethnic origin, citizenship, creed, sex, age, etc. The Respondent, Yellow Cab, shall circulate to all cab owners, operators and lessees, a letter outlining its non-discriminatory policy in the form attached hereto as Appendix "A".

4. Yellow Cab will not honour any discriminatory requests for service from the public and any person requesting a driver by race, colour, ancestry, place of origin, ethnic origin, citizenship, creed, sex, age, etc., shall be advised that such requests will not be put through. The Respondent, Yellow Cab, shall circulate to its employees, a memorandum outlining its non-discriminatory policy dealing with assigning of trips, and discriminatory requests from the general public in the form attached hereto as Appendix "B".



5. Any test for taxi drivers to be used by Yellow Cab shall be approved by the Ontario Human Rights Commission. Appropriate times and procedures for administering any such test shall be agreed upon by the Ontario Human Rights Commission and Yellow Cab as soon hereafter as is practicable.

6. The Complainants and Respondents have agreed to exchange Releases.

7. The parties have agreed that the only particulars of the settlement which will not be disclosed are the form and content of the Releases and the amount of the monetary payment.

8. The parties have agreed that they will not make any further comment in connection with the subject matter of the within complaints, except as set out in these Minutes of Settlement.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 22nd day of May, 1986.

Witnessed by:

<u>David B. Jones</u>	)	<u>Gurmej Singh Khattri</u>
	)	Gurmej Singh Khattri
<u>David B. Jones</u>	)	<u>Sukhwant Singh</u>
	)	Sukhwant Singh
<u>David B. Jones</u>	)	<u>Atama Singh</u>
	)	Atama Singh
<u>David B. Jones</u>	)	<u>Rajinder Singh</u>
	)	Rajinder Singh



Witnessed by:

David P. Jackson  
David P. Jackson  
David P. Jackson

W. L. L. L.  
W. L. L. L.  
Stanton

Bella Fox

) M. D. D. J. M.  
) Mohinder Malhotra  
) Gurnam Bassi  
) Tarlok Sarai  
) WENTWORTH TAXI CO. LTD.  
) Per A. M. Casa  
) HAMILTON YELLOW CAB CO. LTD.  
) Per A. M. Casa  
) Albert DiCasa  
) Joan DiCasa  
) Jack Lynch  
) ONTARIO HUMAN RIGHTS COMMISSION  
) Per Nichole Smith



APPENDIX "A"

D R A F T   L E T T E R

TO: TAXI OWNERS, OPERATORS, LESSEES  
(INDIVIDUAL ADDRESS OR BY  
DISTRIBUTION THROUGH YELLOW CAB)

Dear :

We wish to advise you that Wentworth Taxi Company Limited (Yellow Cab) welcomes any qualified taxi cab drivers that you hire now or in the future, regardless of their race, colour, ancestry, place of origin, ethnic origin, citizenship, creed, sex, age, etc.

We also wish to advise you that Yellow Cab will not tolerate any discriminatory hiring practices. Any owner, operator, lessee found to be in contravention of this policy will be asked to dissociate themselves from our company.

Yours truly,

WENTWORTH TAXI COMPANY LIMITED

Per: Albert DiCasa  
President





## D R A F T     M E M O R A N D U M

TO:            ALL STAFF  
              WENTWORTH TAXI COMPANY LIMITED  
              (YELLOW CAB)

FROM:          MANAGEMENT

RE:            DISCRIMINATORY PRACTICES

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The following policies will be implemented immediately:

1. Any owners, operators and lessees in the Yellow Cab system shall be encouraged to recruit, hire and welcome the employment of any qualified taxi cab drivers, regardless of their race, colour, ancestry, place of origin, ethnic origin, citizenship, creed, sex, age, etc.
2. Yellow Cab will not honour any discriminatory requests for services from the public. Anyone requesting that taxi cab drivers of a certain race, colour, ancestry, place of origin, ethnic origin, citizenship, creed, age, sex, etc., not be sent, will be advised that their calls will not be put through.
3. Race, colour, ancestry, place of origin, ethnic origin, citizenship, creed, sex, age, etc., are not criteria for assigning special trips to qualified taxi cab drivers.
4. Yellow Cab will not tolerate racial harassment, name calling, slurs or ethnic jokes directed towards minority/any employees, cab owners, operators, lessees and taxi cab drivers working under the Yellow Cab system.

Any employee who violates the above-mentioned rules (policies) will be subjected to progressive disciplinary action up to and including dismissal.

WENTWORTH TAXI COMPANY LIMITED

Per: Albert DiCasa  
President

